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OFCCP Opens Hotline for Complaints of Race and Sex Stereotyping in Workplace Training

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As we previously reported, on September 22, 2020, President Trump issued his "Executive Order on Combatting Race and Sex Stereotyping" (the "Order"), which seeks, among other things, to prohibit government contractors from including certain concepts in diversity and awareness trainings. The Order directed the Office of Federal Contract Compliance Programs ("OFCCP") to establish a "hotline" to receive and investigate complaints that contractors are implementing employee training programs that violate the Order, as well as Executive Order 11246, and to take "enforcement action and provide remedial relief, as appropriate." On September 29, 2020, OFCCP announced the launch of this hotline and the creation of an email address and online portal that employees may use to submit complaints regarding training programs they believe violate the Order or Executive Order 11246.

Although OFCCP notes that the Order only applies to Federal contractors "with Federal contracts entered into 60 days after the date of the [O]rder, or Nov[ember] 21, 2020," the agency's announcement warns that "training programs prohibited by the new Executive Order may also violate a contractor's obligations under the existing Executive Order 11246, which prohibits discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, and for inquiring about, discussing, or disclosing your compensation or the compensation of others."

Government contractors should therefore be aware that their trainings may be the subject of complaints, irrespective of whether they enter into a new federal contract after November 21, 2020.

We will continue to advise our readers of developments related to the Order and its implementation.

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